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PATENT APPLICATION  
ATTORNEY DOCKET  
NO. 70333

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **Fitzgibbon et al.**

Appln. No.: **09/735,141**

Filed: **December 12, 2000**

Title: **GARAGE DOOR OPERATOR  
HAVING THUMBPRINT  
IDENTIFICATION SYSTEM**

Group Art  
Unit: **2652**

Examiner: **Not Yet Assigned**

Mail Stop **Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

6/22/03  
Date

Kenneth H. Samples  
Kenneth H. Samples  
Registration No. 25,747  
Attorney for Applicant(s)

**RECEIVED**

**JUL 02 2003**

**OFFICE OF PETITIONS**

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE AN  
INADVERTENTLY AND UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sir:

Applicant received a Notice of Abandonment dated May 27, 2003, in the above-identified application. The Notice stated that abandonment has occurred because Applicants failed to file a timely reply to Notice to File Missing Parts mailed January 31, 2001.

Applicants hereby respectfully petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-identified patent application. The failure to timely file a proper reply to the Notice to File Missing Parts was inadvertent and unintentional.

The inadvertent and unintentional abandonment of Application Serial No. 09/735,141 was not realized until receipt of the Notice of Abandonment mailed on May 27, 2003. Such discovery resulted in an immediate commencement of preparation for this Petition to Revive.

07/01/2003 AXWDAF1 00000038 061135 09735141

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Serial No. 09/735,141  
Filed: December 12, 2000

PATENT  
APPLICATION  
NO. 70333

Submitted herewith, in accordance with 37 C.F.R. § 1.137(b), are the following:

- (1) Petition and fee set forth under 37 C.F.R. §1.17(m) charged to our Deposit account No. 06-1135 (*Transaction No. 10428*) in the amount of \$1,300.00;
- (2) copy of Notice to File Missing Parts mailed January 31, 2001, and
- (3) Response to the Notice to File Missing Parts action dated January 31, 2001 including a signed Declaration and Power of Attorney and the late filing fee in the amount of \$130.00 to our Deposit account No. 06-1135 (*Transaction No. 10429*).

Applicants submit that the entire delay in filing the required reply from the due date for the required reply, March 31, 2001, until the filing of this grantable petition under 37 CFR §1.137(b) was unintentional.

Allowance of the instant petition and revival of U.S. Patent Application Serial No. 09/735,141 is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No.06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By Kenneth H. Samples  
Kenneth H. Samples  
Registration No. 25,747

Date: June 27, 2003

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